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KYRGYZSTAN: Eight raids, two official warnings in three months

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Police and secret police officers raided eight meetings for worship of Jehovah's Witnesses in the first three months of 2013, claiming that they were illegal because the communities had no individual registration. Kyrgyzstan's State Commission for Religious Affairs (SCRA) also issued two official warnings – seen by Forum 18 News Service - that their communities have broken the law. In four places – including twice in Jalal-Abad – officials have refused even to process their registration applications. Ahmadi Muslims are still challenging in court the SCRA's re-registration denial which has prevented their communities meeting since 2011. "We have freedom of assembly and freedom of religion in Kyrgyzstan," Kubanychbek Abakirov, expert on religious communities in the Presidential Administration, insisted to Forum 18 after reviewing documentation on the warnings to the Jehovah's Witnesses and their latest registration denial.

In the first three months of 2013, at least eight Jehovah's Witness meetings in Jalal-Abad and Osh Regions of Kyrgyzstan are known to have been raided. Police and secret police officers warned participants that meetings were illegal as local communities had no state registration. "It is absurd that this is taking place considering the many attempts by Jehovah's Witnesses to obtain registration," Jehovah's Witnesses complained to Forum 18 News Service. They have received two official warnings - signed by Abdilatif Zhumabayev, Director of the State Commission for Religious Affairs (SCRA) – that they have broken the law.

After exhausting all legal avenues in Kyrgyzstan, Jehovah's Witnesses have lodged two complaints to the United Nations Human Rights Committee over registration denials in four locations (see below).

Jehovah's Witnesses believe criminal charges lodged against a mother and daughter in Osh in March are aimed at punishing the community for lodging a fresh registration application. The two women are under two-months' house arrest and face up to three years' imprisonment for allegedly conjuring live snakes from eggs and then swindling two old women of their life savings (see F18News 2 April 2013 http://www.forum18.org/Archive.php?article_id=1819).

Ahmadi Muslims still cannot function at all in Kyrgyzstan as they have been denied re-registration by the SCRA. "If we met for worship or carried out any religious activity, the registration we do still have with the Justice Ministry would be finally liquidated," a community member who asked not to be identified told Forum 18 from the capital Bishkek on 8 April. "Everything we did would then become illegal." The next hearing in their suit against the SCRA over the denial of re-registration is on 15 May (see below).

Since the amended Religion Law came into force in January 2009, no non-Muslim or non-Russian Orthodox community has been able to gain registration. Proposed amendments to the Code of Administrative Offences which would have introduced a range of new penalties for exercising the right to freedom of religion or belief appear to have been abandoned (see below).

"We have freedom of assembly"?

"We have freedom of assembly and freedom of religion in Kyrgyzstan," Kubanychbek Abakirov, expert on religious communities in the Presidential Administration's Department on Ethnic and Religious Policy and Relations with Civil Society, insisted to Forum 18 from Bishkek on 8 April. He repeated this assertion after reviewing the SCRA's written warnings to the Jehovah's Witnesses and the rejection of their latest registration attempt. He refused to say why, if freedom of assembly exists, such religious meetings are raided.

Asked about the eight known raids on their religious meetings since the beginning of 2013, Abakirov said he had no information about them. He referred Forum 18 to the SCRA and put the phone down.

Asked about the participation of National Security Committee (NSC) secret police officers in at least five of the Jalal-Abad raids and the raid in Osh Region, a press officer for the national NSC in Bishkek denied that these had taken place. "We didn't give out this information. Where did you get it from?" the officer – who gave his name only as Kuba – told Forum 18 from Bishkek on 8 April. "If we had conducted such operations, we would have known about it."

Equally dismissive was Lieutenant-Colonel Zhorobai Abdraimov, head of the press office in Bishkek of the Interior Ministry, which controls the police. "This is not true," he told Forum 18 on 8 April. "Where did you get this information?"

Legal challenge

Bishkek's Ahmadi Muslim community is continuing to challenge the SCRA's denial of their re-registration application at Bishkek City Court, community members told Forum 18. Their challenge was initially rejected by Bishkek's Inter-District Economic Court on 30 January, a decision the community then appealed against to the City Court. Their appeal is due to be heard on 15 May.

Because of the re-registration denial, the Ahmadi community has not been able to meet for worship since July 2011. The General Prosecutor's Office has also sought to have the community banned as "extremist" (see F18News 19 December 2012 http://www.forum18.org/Archive.php?article_id=1784).

Jalal-Abad raids

At least seven Jehovah's Witness meetings were raided in four separate locations in Jalal-Abad Region in January, February and March, Jehovah's Witnesses complained to Forum 18. The NSC secret police were involved in five of the raids and the Police's 10th Department (which supposedly counters terrorism and extremism) in four of them.

On 20 January, police raided a Jehovah's Witness meeting in a rented facility in Kochkor-Ata. Officers told community members they were banned from holding a religious meeting there.

The same day officers of the NSC secret police and the Police's 10th Department raided and halted separate meetings in Kerben, Mailii-Su and Bazar-Korgon. In all three locations, officers claimed it was illegal for Jehovah's Witnesses to meet without registration of a local religious organisation, despite the fact that Jehovah's Witnesses have national registration. In Kerben, officers took written statements from many of the persons in attendance.

On 10 February, police again raided and halted a Jehovah's Witness meeting in Mailii-Su, insisting again that they cannot meet without local registration. Exactly a month later, on 10 March, the Mailii-Su community was raided yet again by the Deputy Chief of the local NSC secret police and Chief of the Police Department on Crimes. They stopped the meeting and instructed them that they cannot meet without registration of a local religious organisation.

On 26 March, officers of the NSC secret police and the Police's 10th Department again raided a Jehovah's Witness meeting in Kerben and order it to be terminated.

Individuals have also been summoned to repeat these warnings. On 21 January, the NSC secret police in Karakul summoned one Jehovah's Witness to explain why Jehovah's Witnesses hold religious meetings without registration as a local religious organisation. On 28 February, the Mayor's office of Mailii-Suu summoned several Jehovah's Witnesses to explain why they hold religious meetings in the region without registration as a local religious organisation.

Osh raid

The Jehovah's Witness community in Osh was similarly raided on 26 March. Representatives of the NSC secret police, Mayor's office and Police's 10th Department observed their meeting. Afterwards the officials "rudely interrogated several persons in attendance and informed them that Jehovah's Witnesses may not meet in the city of Osh without registration as a local religious organisation".

Two written warnings

On 1 April, Jehovah's Witnesses received two written official warnings from Zhumabayev, Director of the SCRA, seen by Forum 18.

On 13 March, Zhumabayev – in a letter drafted by Yusupzhan Kadyrazhiev – warned the community in Karakol in Issyk-Kul Region that its rental of premises since August 2012 for religious meetings in the nearby town of Pristan-Przhevalsky was illegal as the community does not have state registration. It said this was in violation of Article 8 of the Religion Law.

The second – drafted by Kanybek Mamataliyev and dated 1 April – warned the national Jehovah's Witness organisation that its Osh branch had been meeting without the necessary registration and distributing religious literature without the necessary official marking. It said these violations had been detected during the 26 March raid on the Osh Jehovah's Witness meeting, attended by more than 100 people and held in a local restaurant. It said that alongside officials of the southern branch of the SCRA, "officials of corresponding state structures" took part in the raid, though without identifying them.

Kadyrazhiev declined to discuss the 13 March warning he had drafted on behalf of Zhumabayev. "If you've read it, you can see what he wrote," he told Forum 18 from Bishkek on 2 April. Asked if the Soviet system had returned with a requirement for religious communities to have registration before they could hold religious meetings, Kadyrazhiev laughed. He then put the phone down.

Mamatallyev maintained to Forum 18 the same day that the Osh community of Jehovah's Witnesses must abide by the law. He said that Jehovah's Witnesses have 41 registered communities in Kyrgyzstan, but the Osh community is not one of them, so cannot meet for worship.

But registration applications denied

Jalal-Abad's Jehovah's Witness community gathered the required 200 founders and submitted the notarised list to be approved by Jalal-Abad City Kenesh (Council) on 28 January in line with the registration requirements in the Religion Law.

On 29 March, Muratali Tagaev of Jalal-Abad City Kenesh wrote to the Jehovah's Witness community to say that it was unable to verify their list of 200 founders. He said that at a 26 March meeting, the Kenesh's Permanent Commission on Social Questions had decided that Kyrgyzstan's Constitution mandates the separation of religion and the state. "Furthermore, in connection with the absence of a juridical evaluation of your statute, the city Kenesh advises you to turn to the justice authorities for a juridical evaluation and the granting of an assessment," declares the letter, seen by Forum 18.

This refusal of the Kenesh to approve the list of founders – a requirement for all registration applications under Article 10, Part 2 of the 2009 Religion Law – means that the Jalal-Abad Jehovah's Witness application cannot be handed further to the SCRA.

"This requirement is obviously being used as a pretext to prevent religious minorities like Jehovah's Witnesses from obtaining registration of religious organisations," Jehovah's Witnesses complained to Forum 18.

Emil Baymurzayev, head of administration at Jalal-Abad City Kenesh, told Forum 18 on 27 March that the Jehovah's Witness application was an issue for its Permanent Commission on Social Questions. Matlyuba Saidaliyeva of the Commission told Forum 18 the same day that it was putting the issue to Kenesh deputies at their next meeting. She did not inform Forum 18 that the Commission meeting the day before had declined to approve the application allowing it to be sent on to the SCRA in Bishkek.

Arbitrary registration denial?

Saidaliyeva told Forum 18 that the Jehovah's Witness application was the first from a religious organisation that the Jalal-Abad City Kenesh has been asked to approve since the Religion Law was amended.

"This confirms my suspicion that all of the religious communities registered since the new law came into force in early 2009 did not have to have their list of founding members approved by the Kenesh, unlike what the SCRA insists for Jehovah's Witnesses," they complained to Forum 18.

Mamatallyev of the SCRA in Bishkek – after reviewing the Kenesh decision to refuse to process the Jehovah's Witness application – insisted that the community "must have made some mistake". "If the application is in order and lodged in accordance with the law, a community can register," he claimed to Forum 18 from Bishkek on 2 April. "But this is a decision for each Kenesh – they are like mini-parliaments."

Mamatallyev refused to say what Jehovah's Witnesses – and other religious communities in a similar position – should then do if they wish to gain registration.

Many Protestant churches have chosen not to seek state registration in view of what they regard as unnecessary and arbitrary registration requirements in the 2009 Religion Law.

Earlier failed attempts

Three earlier attempts to register Jehovah's Witness communities in Osh, Naryn and Jalal-Abad in 2010 failed. The Keneshes of Osh, Naryn and Jalal-Abad all rejected the applications, stating that they could not approve the list of members because there is no government order in place stipulating the process and criteria to be used.

Jehovah's Witnesses therefore applied to the SCRA for registration, attaching the letters from the local city councils and all documents needed for registration. In February 2011, the SCRA determined that it could not grant registration without prior approval of the list of founding members by the local city councils.

Jehovah's Witnesses tried to challenge this refusal in court. On 21 July 2011, Bishkek Inter-District Economic Court granted the appeal in part, ruling that the SCRA's February 2011 decision to refuse registration was unlawful. This decision was overturned on appeal.

In September 2012, Jehovah's Witnesses lodged a complaint (seen by Forum 18) to the United Nations (UN) Human Rights Committee in Geneva. It outlined their case that the denial of registration to three of their communities in southern Kyrgyzstan is a

violation of their rights enshrined in the International Covenant on Civil and Political Rights (see F18News 19 December 2012 http://www.forum18.org/Archive.php?article_id=1784).

The Jehovah's Witness application in Kadamjay in Batken Region – lodged in October 2010 - was also rejected. The first rejection – with no explanation – came in December 2010. On 30 March 2011, Kadamjay Kenesh issued a second decision that it would not approve the list of members because people living in the region "confess one religion" and that registration would not be granted to Jehovah's Witnesses to "protect the peace and stability" of the region.

Jehovah's Witnesses brought a suit in Batken Inter-District Court against what they regarded as the "unlawful actions of the Council", but the court refused to hear the case. Batken District Court refused to hear their appeal. On 22 May 2012, the Supreme Court ordered Batken District Court to hear the appeal against the lower court decision.

On 31 July 2012, Batken District Court ordered the Inter-District Court to accept the suit and determine whether the actions of Kadamjay Kenesh were lawful. Kadamjay Kenesh appealed against that decision, and on 19 November 2012 the Supreme Court upheld the Kenesh's appeal, arguing that its decision was merely an "informative letter" which cannot be challenged in court.

As their legal options have now been exhausted, on 26 March 2013 Jehovah's Witnesses lodged a further complaint to the UN Human Rights Committee – seen by Forum 18 – about the denial of registration to their Kadamjay community.

New administrative punishments abandoned?

Proposed amendments to the Code of Administrative Offences, which would have introduced heavy administrative penalties for a range of new "offences" punishing those exercising the right to freedom of religion or belief, appear to have been abandoned. Aida Kurmanbaeva of the Justice Ministry's Legislative Drafting Department told Forum 18 from Bishkek on 8 April that her Ministry "is no longer working on this draft". Asked if this means they have now been abandoned, she replied "Yes".

Natalya Sergeeva of the Legal Department of the Committee of Ministers Department confirmed to Forum 18 on 8 April that the Justice Ministry has not presented the draft text again.

The proposed amendments had been prepared by the Justice Ministry in consultation with other state agencies. They were published for public consultation in October 2012. However, the Committee of Ministers Department rejected the amendments on technical grounds on 31 December 2012 and returned them to the Justice Ministry for further work (see F18News 8 January 2013 http://www.forum18.org/Archive.php?article_id=1788).

A proposed Religious Education and Religious Educational Establishments Law reached the Zhogorku Kenesh (Parliament) on 13 February, according to the parliamentary website. The Law was drafted by Zhogorku Kenesh deputy Kanybek Osmonaliev (see F18News 8 January 2013 http://www.forum18.org/Archive.php?article_id=1788). The proposed Law has not yet been assigned to a parliamentary committee. (END)

For background information see Forum 18's Kyrgyzstan religious freedom surveys at <http://www.forum18.org/Analyses.php?region=30>.

More reports on freedom of thought, conscience and belief in Kyrgyzstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=30>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY